

False Choices

Politicians are fond of offering false choices. They simplify the debate and limit the opportunities for dissent. The idea is to define the debate as for or against something, leaving no room for anyone to support an alternative.

All sides use this ploy. The Democrats say that you are either for or against helping the poor. They argue strenuously that if you want to help the poor, you have no choice but to support their approach. It matters little, that many Republicans support the goal as well. If they do not support the Democratic approach, they are branded as cold-hearted conservatives. On the other side, the Republicans say you are either for or against deficit reduction. It matters little that many Democrats support the goal as well. If they do not support the Republican budget, they are branded as tax and spend liberals.

President Clinton should know how dangerous and unfair false choices like this are. On both issues, he has found himself somewhere in between the mainstream positions in both parties. As a result, he has been hammered from all sides on both issues and diminished in the process.

Unfortunately, the President is now offering false choices himself. He has recently taken up the

2047031333

issue of underage smoking, expressing his concern over reports showing an increase in the number of teenagers who smoke. His concern and attention are justified. Even the tobacco companies are taking steps to address the problem of youth smoking.

But, the debate is not whether you are for or against youth access to tobacco products. The debate concerns the most effective methods of reducing underage consumption of tobacco. Unfortunately, the means President Clinton has selected to address the problem suffers from a number of flaws.

First, the President has allowed the Food and Drug Administration to assert jurisdiction over tobacco products. But, unless the FDA can determine that cigarettes are "safe and effective," the law requires that it ban them altogether. Total prohibition is certainly not the way to attack underage smoking.

Second, the regulations that the FDA has proposed focus on limiting the right of the tobacco industry to advertise. This assumes that teenagers are influenced by advertising, but there is no credible evidence to support this assumption. In fact, the evidence shows that there is no relationship between advertising and smoking rates.

In Australia, a complete ban on cigarette advertising was followed by an increase, rather than a decrease, in smoking rates among minors. In Canada, the Supreme Court recently found insufficient evidence of tobacco advertising's impact on the number of people who

smoke to support an advertising ban.

Third, federal regulation of tobacco products contradicts preexisting federal law. Congress has determined that the appropriate place to take action against underage smoking is at the state level. In 1992, Congress enacted a law conditioning certain block grant funds for the states on their enacting and enforcing laws prohibiting sales of tobacco products to minors. Every state has now passed such a law, and many are now taking effective steps to enforce them. Unfortunately, according to the Inspector General of HHS, the biggest obstacle to more effective state enforcement is the lack of guidance the states have received from HHS on structuring their enforcement programs to comply with the law.

Interestingly, HHS was set to issue final regulations giving guidance to the states, but suddenly has shown no further intention of going forward with them. One can only speculate whether the Administration decided that effective implementation of the 1992 law would undercut support for its FDA initiative.

For all of these reasons, the President's proposals to combat underage smoking should be rejected.

The President initially expressed a willingness to entertain legislative compromises on the issue, and several such bills have now been offered. But, the President has stuck to his own proposal and has refused to consider alternative solutions. He has set up a

classic false choice: if you support the goal of reducing underage smoking, you must support his solution; if you oppose his solution, you can't be against underage smoking.

Rejecting the President's proposal is not the same as disagreeing with his objective. Do not let the President frame this debate as a false choice between youth smoking and supporting his proposal. There are better alternatives to reduce teen smoking, and we should pursue them.

2047031336